



ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

ACUS is an independent federal agency that develops recommendations to improve administrative process and procedure and arranges for the interchange of useful information to carry out its mission. For more information about ACUS, visit our website at www.acus.gov or contact us at info@acus.gov.

Report to Congress

Equal Access to Justice Act Awards, Fiscal Year 2020

What is the Equal Access to Justice Act (EAJA)?

Under EAJA, individuals, small businesses, and others who prevail against the federal government in federal court cases and certain adversary adjudications may be entitled to attorney's fees and other expenses. To receive fees and expenses, the government's position must not have been substantially justified.

What did ACUS study?

Federal law charges ACUS's Office of the Chairman with maintaining a public database and preparing an annual report that accounts for all EAJA awards against the United States.

ACUS requested FY 2020 data from 58 agencies. Fifty-seven (98%) responded by March 30, 2021.

Key Findings

16	agencies reported paying EAJA awards
47	agencies reported paying no EAJA awards
15,596	total EAJA awards reported*
15,569	EAJA awards in court cases
21	EAJA awards in adversary adjudications

* Six awards not categorized by agency. As a result, the totals do not perfectly align.

\$101,420,591.45

total EAJA awards reported

Social Security Administration	8,888	\$50,178,105.01
Dep't of Veterans Affairs	6,567	\$38,213,805.51
Dep't of Homeland Security*	75	\$4,202,503.45
Dep't of Commerce	2	\$2,300,000.00
Dep't of the Interior	17	\$1,977,713.98
Dep't of Health and Human Services	9	\$1,553,219.27
Dep't of Agriculture	16	\$983,637.00
Federal Trade Commission	1	\$843,173.67
Dep't of Justice	11	\$404,670.00
Dep't of State	1	\$220,470.12
Federal Election Commission	1	\$200,548.74
Environmental Protection Agency	2	\$126,500.00
Dep't of Education	1	\$115,000.00
Dep't of Labor	1	\$62,500.00
Railroad Retirement Board	1	\$20,014.70
Dep't of Transportation	3	\$18,730.00

* Some award amounts redacted by the agency. Redacted awards are reflected as \$0 in these totals.

Read the full report to Congress at www.acus.gov/EAJA.

Visit the EAJA database at eaja.acus.gov.